

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAPTURE SHIPPING LTD.,

Plaintiff,

- against -

ALLROUND FUEL TRADING B.V. CHEMOIL,  
a/k/a CHEMOIL EUROPE B.V.,

Defendants.  
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JOHN F. KEENAN, United States District Judge:

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06 Civ. 5296 (JFK)

MEMORANDUM ORDER

# INTRODUCTION

Defendant Allround Fuel Trading Chemoil B.V.

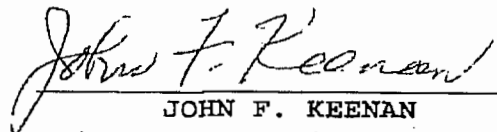
("Allround"), in a letter dated August 29, 2006, has submitted a proposed Judgment and Order dismissing Plaintiffs' complaint and vacating the July 13, 2006 ex parte Order of Attachment. This letter is in accordance with the Court's August 28, 2006 Opinion and Order. Plaintiff Rapture Shipping Ltd. ("Rapture") responds, in a letter dated August 29, 2006, that the proposed Judgment and Order is unnecessary. Rapture also asks the Court to abstain from taking action until the 10 day automatic stay period in Fed. R. Civ. P. 62(a) expires.

On August 30, 2006, the Clerk of the Court entered a Judgment dismissing the complaint and vacating the attachment. (Dkt. # 13.) This Judgment precludes the need for the Court to execute Allround's proposed Judgment and Order at this time. Moreover, as Rapture correctly points out, the 10-day automatic stay in Rule 62(a) applies to a judgment vacating an ex parte

maritime attachment. See Status Int'l S.A. v. M&D Mar. Ltd., No. 97 Civ. 9313(SAS), 1998 WL 108007, at \*4 (S.D.N.Y. Mar. 11, 1998). Therefore, execution on the Clerk's Judgment vacating the attachment is stayed until September 15, 2006, which is 10 days from the date of entry on the docket, excluding weekends and Labor Day. See Fed. R. Civ. P. 6(a), Local Civil Rule 6.4.

SO ORDERED.

Dated: New York, New York  
August 30, 2006

  
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JOHN F. KEENAN  
United States District Judge